

10 MC 0805

### TRACKING DEVICE RETURN

1. DATE WARRANT RECEIVED

July 7, 2010

2. EXACT DATE AND TIME DEVICE INSTALLED

July 7, 2010 6:15 P.M.

3. PERIOD DURING WHICH TRACKING DEVICE USED

July 7, 2010 TO July 9, 2010

4. COPY OF WARRANT SERVED BY  
(Check One)

☐ DELIVERING COPY TO PERSON  
WHO, OR WHOSE PROPERTY, WAS  
TRACKED (Identify person below)

☒ LEAVING COPY AT THE PERSON'S  
RESIDENCE OR USUAL PLACE OF  
ABODE WITH AN INDIVIDUAL OF  
SUITABLE AGE AND DISCRETION  
AND MAILING COPY TO PERSON'S  
LAST KNOWN ADDRESS (Identify  
residence or abode, individual of  
suitable age, and last known address  
below)

☐ SERVICE DELAYED PER COURT  
ORDER

5. ADDITIONAL SERVICE INFORMATION  
(If applicable)

### CERTIFICATION

I declare under penalty of perjury that this inventory is correct and was returned along with the warrant to the designated judge.

Date: 7-19-2010

Craig Johnson  
EXECUTING OFFICER'S SIGNATURE

CRAIG JOHNSON, TASK FORCE OFFICER  
PRINTED NAME AND TITLE

**UNITED STATES DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of Tracking A Cellular Phone  
Currently Bearing Number  
(Describe phone specifically)  
619-787-1540

Case No.

10 MC 0805

**WARRANT FOR TRACKING DEVICE**

To: ANY AUTHORIZED OFFICER OF THE UNITED STATES

Based on an affidavit and/or recorded testimony by FBI Task Force Officer Craig Johnson, I find probable cause to track the cellular phone above to locate the following pursuant to Fed. R. Crim. P. 41(c) (check one or more)

- ☐ evidence of a crime;  
☐ contraband, fruits of crime, or other items criminally possessed;  
☐ property designed for use, intended for use, or used in committing a crime; or  
☒ a person to be arrested or a person who is unlawfully restrained;

in connection with violations of Title 18, United States Code, Section 2113(a) (Bank Robbery)

**YOU ARE COMMANDED**, on or before \_\_\_\_\_ (not to exceed 10 days), to use and install a tracking device on the cellular phone above, which includes activating and monitoring any tracking technology within the target phone or actively geo-locating the target phone by cellular tower activations. Such use may occur for up to 45 days from the date this warrant is issued. The phone may be tracked or geo-located inside and outside the Court's jurisdiction (18 U.S.C. § 3117). Within 10 days after such use has ended, the officer executing the warrant shall return it to the undersigned.

Any installation shall occur (check one) ☒ in the daytime, 6 am to 10 pm; \_\_\_\_\_ at any time day or night for good cause shown.

IT IS ORDERED, pursuant to 18 U.S.C. § 2703(c)(1)(A), that Verizon Wireless, its agents, and employees shall furnish federal law enforcement officers with all information, facilities, and technical assistance necessary to track or geo-locate the target phone, including the activation of any available technology.

**SERVICE**

☒ The officer executing the warrant shall serve a copy on the person who was tracked or whose property was tracked within 10 calendar days after use has ended; or

☐ Pursuant to Fed. R. Crim. P. 41(f)(2) & (3) and 18 U.S.C. § 3103a, the officer executing the warrant shall serve a copy of the warrant on the person who was tracked or whose property was tracked within [30 days after use of the device has ended] [\_\_\_\_\_ days after use of the device has ended, the facts of this case justifying a longer delay] (strike through inapplicable option).

I find reasonable cause to believe that providing immediate notice of the warrant may have the following adverse result(s) under 18 U.S.C. § 2705:

No tangible property, and no wire or electronic communications, shall be seized pursuant to this warrant. To the extent the provision and retention of real-time tracking or geo-location (cell site, GPS, or other) information may constitute the seizure of stored electronic information not expressly provided for by 18 U.S.C., Chap. 121, I find reasonable necessity for the seizure. No stored wire or electronic information shall otherwise be seized pursuant to this warrant.

Pursuant to 18 U.S.C. 2705(b), the service provider above, its agents, and employees shall not notify any other person of the existence of the warrant. I find reasonable cause to believe notification will result in the adverse results above.

DATE AND TIME ISSUED

7/26/10 @ 5:04 p.m.

at

San Diego, CA  
CITY AND STATE

Honorable Jan M. Adler, United States Magistrate Judge  
NAME AND TITLE OF JUDICIAL OFFICER

SIGNATURE

*Jan M. Adler*